

NIKKI BOLLINGER GRAE, Individually and) Civil Action No. 3:16-cv-02267
on Behalf of All Others Similarly Situated,)
)
Plaintiff,) Judge Aleta A. Trauger
)
vs.) Magistrate Judge Jeffery Frensley
)
CORRECTIONS CORPORATION OF)
AMERICA, et al.,)
)
Defendants.)
)

Pursuant to the Revised Stipulation and Protective Order entered in this case (Dkt. No. 86) (the “Protective Order”), Defendants respectfully request that the Court maintain the sealing of one document which Plaintiff filed in support of its Opposition to Defendants’ Motion to Determine Sufficiency of Responses to CoreCivic’s First Set of Requests for Admission (the “Opposition”) (Dkt. No. 262).

The document at issue is a Contract Performance Assessment Report (“CPAR”) which Plaintiff attached as Exhibit 2 to the Declaration of Jason A. Forge in Support of Plaintiff’s Opposition (the “Forge Declaration”) (Dkt. No. 263:2). This CPAR was generated by the Federal Bureau of Prisons (“BOP”) and provided to CoreCivic by the BOP in connection with CoreCivic’s

operation of a secure correctional facility. Importantly, the BOP labelled the CPAR as “Source Selection Information” pursuant to Federal Acquisition Regulation (“FAR”) sections 2.101 and 3.104. The FAR, among other things, prohibits the public disclosure of source selection material.

CoreCivic marked the CPAR “Confidential” pursuant to the Protective Order and produced it to Plaintiff in discovery. Further, pursuant to the Stipulation and Order Amending Protective Order to Protect Source Selection Information (the “SSI Protective Order”) (Dkt. No. 177), the parties and the BOP agreed that any source selection information submitted to the Court in connection with a motion shall be filed under seal. *See* SSI Protective Order ¶ 6. Given that, Defendants respectfully request that the Court maintain the sealing of the CPAR unless or until the BOP withdraws the source selection information designation. Defendants have no objection to the unsealing of Plaintiff’s Opposition,¹ the Forge Declaration, or the Exhibits 1 and 3 to the Forge Declaration.

Accordingly, Defendants respectfully request that the Court grant this motion and maintain the sealing of Exhibit 2 to the Forge Declaration.

¹ Plaintiff’s Opposition focuses exclusively on the information that the CPAR *does not* contain and therefore, Defendants believe does not reveal any confidential or sensitive information. *See* Opposition at 14-15.

DATED: August 24, 2020

Respectfully submitted:

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CERTIFICATE OF SERVICE

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this 24th day of August, 2020.

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